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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FCC - MAILROOM

In the Matter of )  
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Procedures to Govern the Use of )  
Satellite Earth Stations on Board Vessels ) IB Docket No. 02-10  
In the 5925-6425 MHz/3700-4200 MHz )  
Band and 14.0-14.5 GHz/11.7-12.2 GHz )  
Bands )

**REQUEST FOR TEMPORARY STAY**

Telenor Satellite Services, Inc., on behalf of itself and its affiliate Telenor Satellite Services AS (together, "Telenor") hereby files a Request for a Temporary Stay of the effective date of the Commission's recent Report and Order in the above-referenced proceeding.<sup>1</sup> Telenor applauds the Commission's Order and is pleased that the Commission has promulgated rules governing the use of Earth Stations aboard Vessels ("ESVs") in the C-Band and the Ku-Band. This new regime strikes a good balance in finally allowing ESV services to be provided with regulatory certainty while also affording reasonable protection to other users.

Telenor is very concerned, however, about the extremely limited time that the Commission has afforded ESV service providers to bring their networks into full compliance with the new regulatory requirements. The Commission has detailed a very comprehensive set of technical standards that must be met, procedures and operational requirements that must be implemented, and coordination that must be conducted, before an ESV operator can legally provide ESV services using U.S.-based ESV hubs. Yet the Commission's rules are set to

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<sup>1</sup> *In the Matter of Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands*, Report and Order, IB Docket No. 02-10, FCC 04-286 (released Jan. 6, 2004) ("Order")

become effective a mere thirty days following publication of the Order in the Federal Register. This simply does not afford ESV operators such as Telenor sufficient time to come into full compliance. Absent a temporary stay of the effective date of the Order, Telenor and other ESV operators will be forced to cut off service to a large number of customers, many of whom are currently at sea, leaving them without vital communications capabilities. Telenor respectfully submits that the public interest will be serviced by grant by the Commission of this request. Telenor believes that a temporary stay of an additional 90 to 120 days would be appropriate under the circumstances.

### **Discussion**

Telenor currently operates an ESV network consisting of antenna hubs at Santa Paula, California, Southbury, Connecticut, and Eik, Norway. The vessels that Telenor serves are, currently, exclusively foreign-flagged vessels, most of which spend the majority of their time outside of U.S. waters. In compliance with current FCC licensing rules, Telenor's U.S. hub antennas are licensed for Ku-Band and C-Band use. However, because the ESVs served by Telenor are not aboard U.S.-flagged vessels, they are not licensed by the Commission, in accordance with the direction of the Commission in numerous orders.<sup>2</sup>

It is Telenor's intention to apply as quickly as possible for an ESV network license for its U.S. ESV operations, including the operation of its U.S. hub antennas. Under the regime set forth in the Order, the licensing procedure will require Telenor to certify that its ESV network, including its hubs and ESVs, have specific operational and technical capabilities. Unfortunately, many of the required capabilities are not currently found in Telenor's network, and equipment at both the hub stations and aboard vessels will need to be assessed and, where appropriate,

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<sup>2</sup> See Order at note 16.

retrofitted, to comply with the new rules. Because of the number of vessels currently being served, the nature of the changes that need to be implemented, and the varied and uneven schedules of the ships that are served (many of which are at sea most of the year), completing the necessary upgrades simply will not be possible in the time allotted by the FCC.

The two primary network upgrades that will be required are vessel tracking capability and automatic cut-off capabilities. While most if not all vessels utilizing the Telenor network do have some form of location and tracking capabilities aboard, usually an Inmarsat-C terminal, these systems are not, in most cases, linked directly to the ESV equipment on the ship. Thus, most vessels will have to be retrofitted with the appropriate hardware and software necessary to integrate the location and tracking capabilities with the ESV systems. Equipment and software will also need to be installed at the hub stations in order to conduct the required tracking operations..

Automatic cut-off capabilities will also need to be configured. The antennas aboard vessels are designed to operate only when the antenna has a fix on the satellite, and transmissions are designed to cease immediately if the antenna should lose its fix. Compliance with the FCC's antenna tracking tolerances and related automatic cut-off requirement is therefore readily achievable. Nonetheless, other automatic cut-off requirements contained in the Order, including requirements that C-Band transmissions cease immediately if the vessel travels outside of its coordinated area, will have to be implemented along with the location and tracking capabilities discussed above.

With respect to C-Band operations, Telenor is also in the process of arranging for frequency coordination in the areas within 200 km of the U.S. coast in which vessels to which it provide services will be traveling. This process requires significant input from ship owners

regarding present and future routes to be used by their vessels, new ports that may be served, speed of their vessels through the coordination areas, and many other factors that will go into frequency coordination. This data will need to be amalgamated into specific areas to be coordinated, and then the coordination must actually be accomplished. These steps will all take time (particularly the frequency coordination itself, which of course requires input from licensees that may be affected).

Telenor is acutely aware of the important interests underlying the Commission's new regulatory structure and the need for this scheme to be implemented in an expeditious manner. Nonetheless, it is important that the transition to the new regulatory framework be accomplished properly and with minimal impact on existing ESV customers. The Commission's rapid timetable for implementation simply does not afford Telenor and other ESV operators sufficient time to accomplish all of the required tasks, many of which depend on events and timing outside of their control.

Should Telenor be unable to complete the necessary tasks in a timely fashion, it will be forced to suspend service to a number of vessels served through Telenor's U.S. hub stations. Suspension of service will have a significant detrimental effect on the vessels in question, most of whom rely exclusively on Telenor's ESV services for a wide range of shipboard operations, including crew and passenger communications, internet access, e-mail, transmission of passenger and cargo manifests, and other vital functions. Given that many of the ships served by Telenor are at sea for most of the year, there will likely be little if any opportunity for many vessels to make alternative arrangements in time, and many ship owners will be unable to do so in any case due to the tremendous expense involved in securing and installing new equipment. And in many

cases, equipment with similar capabilities and geographical coverage to Telenor's ESV service simply does not exist.

Because of the significant hardship that would be visited on Telenor's customers if services have to be suspended, Telenor respectfully submits that a grant of its request for a temporary stay of the effective date of the ESV rules would be in the public interest. With the addition of 90 to 120 days to implement the full range of the Commission's new rules, Telenor and other ESV operators will be able to ensure that all required steps can be completed correctly and that the transition to the Commission's new regulatory structure will be a success, all without disruption to the many ships that rely exclusively on Telenor's services to meet their many communications needs.

Furthermore, the likelihood is remote that the grant of Telenor's request will result in interference or other harm to fixed service or other licensees. As Telenor noted in its comments in this proceeding, Telenor has been providing its Sealink ESV service around the world for over thirteen years. In all this time, there has only been one documented case where an ESV has interfered with a fixed service licensee, and this interference was due not to ordinary ESV operation but to an anomalous hardware failure that was quickly resolved.<sup>3</sup> Given the long track record of Telenor and other ESV operators of providing interference-free service, an extension of the effective date of the Commission's rules will not have any negative effect on other users of the relevant spectrum.

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<sup>3</sup> See Comments of Telenor Satellite Service, IB Docket No. 02-10, filed Feb. 23, 2004.

**Conclusion**

For the reasons discussed herein, the grant by the Commission of Telenor's request for a temporary stay of the effective date of the Commission's new ESV rules would be in the public interest.

Respectfully submitted,

**TELENOR SATELLITE SERVICES, INC.  
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